

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,  
JULIO CESAR MEDEIROS NEVES, and all  
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

**BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL**  
**TUESDAY, APRIL 21, 2020**

1. Alarcon, Santos
2. Castillo-Martinez, Jairon
3. Daskalov, Dimitar
4. Fernandes, Joao Lima
5. Battistotti, Marco
6. Lewis, Conroy
7. Martins, Edson
8. Ofosuhene, Jerry
9. Prado Junior, Flavio
10. De Jesus Concepcion, Angela

## **INTRODUCTION**

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 21, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, 74, 78, 81, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-10 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.<sup>1</sup>

## **COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS**

### **I. The COVID-19 Pandemic Continues to Escalate in Massachusetts.**

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)<sup>2</sup></u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 20, 2020</i>	1,809 (increase of 103 in last 24 hours)	39,643 (increase of 1,566 in last 24 hours)

### **II. Class Members Who Have Not Yet Been Ordered Briefed**

In its April 15, 2020 Order denying Defendant's Motion To Stay Further Releases, the Court indicated that its approach would be to receive individual briefings on all class members before Friday's Status Conference. *See* ECF 86. It appears to Plaintiffs that the Court's lists do

<sup>1</sup> As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

<sup>2</sup> Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>.

in fact reach all current known class members who remain detained in BCHOC other than the four (4) individuals listed below. Plaintiffs bring this to the Court's attention, should the Court wish to order briefing on these additional individuals before Friday's Status Conference.

Specifically, on April 16, 2020, Defendant provided the Court and Plaintiffs with an updated spreadsheet, representing the current population of BCHOC (described by Defendant's counsel as being "slightly out of date, but pretty close"). In addition, in an April 18, 2020 email exchange regarding a class member who was recently tested for COVID-19, Defendant referenced a new individual who had recently been transferred into immigration detention from a different part of the Bristol facilities. *See* Ex. 11. Based on this information and upon a review of the Court's lists to date, all current class members known to Plaintiffs who remain detained in BCHOC will have been provided the opportunity by the Court for consideration for bail by Thursday April 23, 2020, **except** for the following four (4) individuals:

1. Blanco, Bacilio
2. Delapaz, Gabri
3. Lopez-Gonzalez, Emanuel
4. Amador Galindo, Diego<sup>3</sup>

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<sup>3</sup> Mr. Blanco, Mr. Lopez-Gonzalez, and Mr. Amador Galindo are all listed on the spreadsheet submitted to the Court by Attorney Kanwit on April 16, 2020. Mr. Delapaz is the individual who was referenced by Superintendent Souza as a new admittee to immigration detention in an email exchange between counsel on April 18, 2020. *See* Ex. 11. Plaintiffs' counsel has subsequently spoken to Mr. Delapaz and confirmed that he is in immigration detention at BCHOC. Defendant provided Notice of Intent to Transfer Mr. Amador Galindo on April 8, 2020, *see* ECF 62; however, he remains detained in BCHOC. None of these individuals has appeared on any of the Court's lists for consideration to date. *See* ECF 46, 77, 97. Two additional detainees, Darcy McMenamin and Gerardo Portillo, have individual petitions and separate counsel.

Should the Court wish to order a final day's briefing to capture the complete class, that could still be accomplished before the Status Conference, for example if briefing were ordered submitted by Friday, April 24, 2020 at 9:00 am., or at such other time that the Court might prefer.<sup>4</sup>

### CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of all of the individuals on the Court's list for April 21, 2020.

April 20, 2020

Respectfully Submitted,

/s/ Oren Sellstrom

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Muneer Ahmad§

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Jerome N. Frank Legal Services Organization

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<sup>4</sup> Class members have reported that there are additional individuals who have recently been transferred into ICE detention at BCHOC, but Plaintiffs do not know the names of any of these individuals. Should Defendant provide any additional names of class members who are not yet scheduled to be briefed, and should the Court order briefing on them, Plaintiffs would be able to accomplish that by Friday April 24, 2020 at 9:00 am as well.

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- § Motion for admission *pro hac vice* pending
- † Admitted *pro hac vice*.
- \* Motion for law student appearances pending.

### **CERTIFICATE OF SERVICE**

I hereby certify that, on April 20, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 20, 2020

/s/ Oren Sellstrom  
Oren Sellstrom (BBO #569045)